

**DASTI, McGUCKIN, McNICHOLS
CONNORS, ANTHONY & BUCKLEY**
THOMAS E. MONAHAN, ESQ.
PATRICK F. VARGA, ESQ.
620 West Lacey Road
Forked River, New Jersey 08731
(609) 971-1010 FAX (609) 971-7093
Attorneys for Defendant, Township of Toms River

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**John Doe 1,
1000 Lincoln Dr. E. #201
Marlton, NJ 08053**

Civil Action no.

And

**JOHN DOE 2,
10000 Lincoln Dr E #201
Marlton, NJ 08053**

NOTICE OF REMOVAL

And

**JOHN DOE 3,
10000 Lincoln Dr E #201
Marlton, NJ 08053**

Plaintiffs,

Plaintiffs,

vs.

**Toms River Fire District 2
257 Warner St,
Toms River, NJ 08755**

And

**TOMS RIVER BOARD OF FIRE
COMMISSIONERS DISTRICT #2
257 Warner St.
Toms River, NJ 08755**

And

**DASTI, McGUCKIN,
McNICHOLS, CONNORS,
ANTHONY & BUCKLEY**
COUNSELLORS AT LAW

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**SILVERTON VOLUNTEER FIRE
COMPANY
#1
15 Kettle Creek Rd.
Toms River, NJ 08753**

And

**TOMS RIVER TOWNSHIP
33 Washington Street
Toms River, NJ 08753**

And

**OCEAN COUNTY
101 Hooper Avenue
Toms River, NJ 08753**

And

**ROBERT SINNOTT
257 Warner St.
Toms River, NJ 08755**

And

**MICHAEL COCCO
257 Warner St.
Toms River, NJ 08755**

And

**RICHARD GORMAN
257 Warner st.
Toms River, NJ 0875**

And

**TIMOTHY CARSON
257 Warner St.
Toms River, NJ 08755**

And

**KEVIN W. BRITTON
257 Warner St.**

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Toms River, NJ 08755

And

MICHAEL WILSON
257 Warner St.
Toms River, NJ 08755

And

DAVID H. SEIDERS
257 Warner St.
Toms River, NJ 08755

And

JOSEPH DUFF
257 Warner St.
Toms River, NJ 08755

And

RICHARD HEROY
257 Warner St.
Toms River, NJ 08755

And

JOHN KEATING JR.
257 Warner St.
Toms River, NJ 08755

And

JOHN CAROLAN
257 Warner St.
Toms River, NJ 08755

And

BRIAN TILLOTSON
257 Warner St.
Toms River, NJ 08755

And

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McNICHOLS, CONNORS,
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TOM MORRIS, JR.
257 Warner St.
Toms River, NJ 08755

And

STEVE HENRY
257 Warner St.
Toms River, NJ 08755

And

GUS BAXES
257 Warner St.
Toms River, NJ 08755

And

GARY TATTERSALL
257 Warner St.
Toms River, NJ 08755

And

JOHN DOES (A-Z)

And

ABC CORPORATIONS (A-Z)
Defendants.

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY:

DASTI, McGUCKIN,
McNICHOLS, CONNORS,
ANTHONY & BUCKLEY

COUNSELLORS AT LAW

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The Defendant herein, Township of Toms River (“Defendants”) by their attorneys, Thomas E. Monahan, Esquire., and Patrick F. Varga, Esquire, with the consent of all Defendants, respectfully represent as follows:

1. On or about March 17, 2025, Plaintiffs, John Does 1-3 (“Plaintiffs”), commenced an action against the Township of Toms River, and twenty other Defendants in the

Superior Court of New Jersey, Law Division: Ocean County, by filing a Verified Complaint in Lieu of Prerogative Writ entitled John Doe 1, et al v. Toms River Fire District #2 et al, Docket No.: OCN-L-769-25. (**Exhibit A**).

2. The Complaint was formerly served on the Township of Toms River and all other defendants on March 25, 2025. (**Exhibit B**).

3. Suzanne Marasco, Esq., of Hill Wallack, LLP on March 26, 2025 entered her appearance on behalf of Defendants, Toms River Fire District 2, Toms River Board of Fire Commissioners District #2, Kevin W. Britton, Timothy Carson, Joseph Duff, Michael Wilson, David H. Seiders, and Richard Heroy. (**Exhibit C**).

4. Mathew Thompson, Esq. of Berry, Sahradnik, Kotzas & Benson, entered his appearance on behalf of the County of Ocean on March 28, 2025. (**Exhibit D**).

5. Kathleen Dal Cortivo, Esq. Dal Cortivo Law Office, LLC, entered her appearance on April 10, 2025 on behalf of Defendants, Silverton Volunteer Fire Company #1, John Keating, Michael Cocco, Brian Tillotson, John Carolan, Steve Henry, Richard Gorman, Tom Morris, Gus Baxes, and Gary Tattersall. (**Exhibit E**).

6. The Complaint contains Thirteen Counts arising out of alleged sexual abuse and institutional failure within the Silverton volunteer fire company #1, where John Does 1-3 were allegedly sexually assaulted, harassed, exploited, and otherwise defamed by various defendants, and specifically Defendant Robert Sinnott.

7. The First Count alleges assault and battery against Defendant Sinnott.

8. The Second Count alleges vicarious liability against all defendants for assault and battery.

9. The Third Count alleges False Imprisonment against Defendant Sinnott.

10. The Fourth Count alleges through Respondeat Superior against all defendants, negligence, recklessness, and/or gross negligence.

11. The Fifth Count alleges Negligent Hiring, Supervision and Retention against all

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Defendants.

12. The Sixth Count alleges a violation of the new Jersey Law Against Discrimination.

13. The Seventh Count alleges a violation of the New Jersey Civil Rights Act against all defendants.

14. The Eighth Count alleges Intentional Infliction of Emotional Distress by all Defendants.

15. The Ninth Count alleges Intentional Infliction of Emotional Distress against all defendants.

16. The Tenth Count alleges Breach of Fiduciary Duty against all Defendants.

17. The Eleventh Count alleges a civil conspiracy against all defendants.

18. Count Twelve alleges a 42 U.S.C. 1983 Monell Claim for municipal liability against the Defendants Toms River Township and the County of Ocean, asserting the Township of Toms River failed to properly supervise, control and discipline Defendants including TR Fire District 2, and were therefore the driving force behind the sexual abuse of the plaintiff. *see Exhibit A ¶546-548.*

19. Count Twelve alleges the systemic failure within TR Fire District #2 demonstrates that the Township of Toms River failed to promulgate written policies regarding abuse, molestation and/or neglect, and by failing to adequately supervise, control and discipline the defendants tacitly approved unlawful and constitutional abuse of Plaintiffs. *See Exhibit A ¶¶549-551).*

20. Based off the Township's and/or County of Oceans alleges inadequate supervision, training or pursuant to a written policy/and or custom, Plaintiff asserts that the Township of Toms River acted with deliberate indifference to the constitutional rights of the

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Plaintiffs, causing the Plaintiffs to “undergo vile atrocious acts of sexual abuse” and suffer great pain of body, hock, emotional distress and other injuries. *See Exhibit A ¶¶ 554, 559, 564 and 572.*

21. These theories of liability are commonly referred to as Monell liability and are actionable pursuant to 42 U.S.C. 1983. See for example Monell v. Dept of Soc. Services of the City of New York, 436 U.S. 658, (1978); Mark v. Borough of Hatboro, 51 F.3d 1137, 1141 (3d Cir.1995); Fagan v. City of Vineland, 22 F.3d 1283 (3d Cir.1994); Gittlemacker v. Prasse, 428 F.2d 1, 3 (3d Cir.1970); Bielevicz v. Dubinson, 915 F.2d 845, 850 (3d Cir.1990); Fletcher v. O'Donnell, 867 F.2d 791, 793 (3d Cir.1989); Pembaur v. City of Cincinnati, 475 U.S. 469, 480 (1986); City of St. Louis v. Praprotnik, 485 U.S. 112, 130 (1988); Oklahoma City v. Tuttle, 471 U.S. 808, 823-824 (1985); City of Canton v. Harris, 489 U.S. 378, 385 (1989); Forest v. Parry 930 F.3d. 93 (3d. Cir. 2019); Anthony v. City of New York, 339 F.3d 129, 139-40 (2d Cir.2003)

22. Count Thirteen alleges Defamation by John Doe 1 against Defendant Sinnott.

23. Within the Complaint, Plaintiff also asserts that various defendants, simultaneously violated undefined “Federal Laws.” See **Exhibit A ¶¶ 96(C); 97(f); 312; and 344;**

24. Within the Complaint, Plaintiff also asserts that a variety of “Defendants” violated “Plaintiffs’ “constitutional rights.” See **Exhibit A ¶¶375; 376; 550; 564; 565.**

25. The Complaint is the first paper filed in this case and the first received by Defendants in which Plaintiff alleges a claim establishing the existence of federal question jurisdiction and consequently, this action is removable to this Court pursuant to 28 U.S.C. §1446(b).

26. The filing of this petition for removal is timely because it is within thirty (30) days of the date Defendants first received notice that this action became removable on the basis of federal question jurisdiction under 28 U.S.C. §1331. See Farina v. Nokia Inc., 625 F.3d 97, 114 (3d Cir. 2010). Defendants reserve the right to challenge the Plaintiffs' manner of service

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and whether such service constitutes “notice” under Rules 4:4-3 and 4:4-4 of the New Jersey Rules of Civil Procedure or Rule 5(b), Fed. R. Civ. P., and 28 U.S.C. §1331.

THIS ACTION IS REMOVABLE ON THE BASIS OF
FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. §1441(A)

27. The basis for federal question jurisdiction is that Plaintiff’s Complaint seeks relief pursuant to the 42 U.S.C. §§ 1983. (**Exhibit “A”**). Pursuant to 29 U.S.C. §1331, federal courts have original jurisdiction over such claims.

28. Accordingly, the above-referenced action between the Plaintiffs and Defendants is one over which this Court has original jurisdiction under 28 U.S.C. §1331 and is one that may be removed to this Court by the Defendants pursuant to the provisions of 28 U.S.C. §1441(a) in that it is a civil action where the Complaint alleges a federal question. This Court may exercise supplemental jurisdiction over any other state law claim, including Plaintiffs’ First, Second and Seventh Counts. See 28 U.S.C. §1337(a).

WHEREFORE, Defendants described herein currently pending in the Superior Court of New Jersey, Law Division: Ocean County, Docket No.: OCN-L-769-25, pray that this action be removed therefrom to this Honorable Court.

**DASTI, MCGUCKIN, McNICHOLS
CONNORS, ATHONY & BUCKLEY**
Attorneys for Defendants

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Dated: April 21, 2025

/s/ Patrick F. Varga
PATRICK F. VARGA, ESQ.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

John Doe 1, et al

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Anapol Weiss, 10000 Lincoln Dr. E #201, Marlton NJ 08053

DEFENDANTS

Toms River Fire District 2, 257 Warner St. Toms River, NJ 08755

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Hill Wallack, LLP 21 Roszel Road, Princeton NJ 08543

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	FEDERAL TAX SUITS	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983 - Municipal Liability

VI. CAUSE OF ACTION

Brief description of cause:
Alleged Sexual abuse involving volunteer members of a fire company, and the inadequate supervision of the same.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

April 21, 2025

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

s/ Patrick F. Varga

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.